



## **Board of Adjustment**

### *Minutes*

### **City Council Chambers**

**June 6, 2018**

**Boardmembers Present:**

Trent Montague, Chair  
Ken Rembold, Vice Chair  
Steve Curran  
Chris Jones  
Adam Gunderson

**Board Members Absent:**

Kathy Tolman  
Wade Swanson

**Staff Present:**

John Wesley  
Kim Steadman  
Charlotte Bridges  
Veronica Gonzalez  
Mike Gildenstern

**Others Present:**

Andrea Alegria  
Julie-Rae Steinmeyer  
D. Saban  
Marja Rovala  
Julie-Rae Steinmeyer  
D. Saban  
(others present)

The study session began at 5:00 p.m. and concluded at 5:24 p.m. The Public Hearing began at 5:30 p.m., before adjournment at 5:36 p.m., the following items were considered and recorded.

### **Board of Adjustment Study Session**

**1. Call meeting to order**

Study Session began at 5:00 p.m.

**2. Zoning Administrator's Report**

**2-a** Discussed the City Council Schedule for enacting the new Sign Code

**2-b** Requested Board comments on Staff Reports

**3. Review and discuss items listed on the Public Hearing agenda for June 6, 2018.**

The items scheduled for the Board's Public Hearing were discussed.

**4. Adjournment**

Study Session adjourned at 5:24 p.m.

## **Board of Adjustment Public Hearing**

### **Call meeting to order**

Public Hearing began at 5:30 p.m.

1. Take action on all consent agenda items.

### **Items on the Consent Agenda**

2. Consider Minutes from the May 2, 2018 Meeting

**\*2-a** A motion to approve the minutes of the May 2, 2018 Meeting Minutes, was made by Vice Chair Rembold and seconded by Boardmember Gunderson.

Vote: 5-0 Approved (Absent: Boardmembers Swanson, Tolman)

3. Take action on the following cases:

A motion to approve the cases on the consent agenda as read by Vice Chair Rembold was made by Boardmember Jones and seconded by Boardmember Curran.

Vote: 5-0 Approved (Absent: Boardmembers Swanson, Tolman)

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**\*3-a**            **Case No.: BOA18-00199 WITHDRAWN BY APPLICANT**

**Location:**        1834 South Palmer (District 3)

**Subject:**        *Requesting Variances to allow a carport to 1) encroach into the required sideyard, and 2) encroach into the required rear yard for a detached single residence in the RS-6 District.*

**Decision:**        Withdrawn

**Summary:**        This item was on the consent agenda and not discussed on an individual basis.

**Motion:**        A motion to withdraw case BOA18-00199 as read by Vice Chair Rembold was made by Boardmember Jones and seconded by Boardmember Curran.

**Vote:**            Vote: 5-0 Approved (Absent: Boardmembers Swanson, Tolman)

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**\*3-b Case No.: BOA18-002B8 APPROVED WITH CONDITIONS**

**Location:** 25 West McKellips Road (District 1)

**Subject:** *Requesting a Special Use Permit (SUP) to allow a Comprehensive Sign Plan (CSP) in the LC District.*

**Decision:** Approved with Conditions

**Summary:** This item was on the consent agenda and not discussed on an individual basis.

**Motion:** A motion to approve case BOA18-0028B as read by Vice Chair Rembold with the acceptance of Findings of Fact and Conditions of Approval was made by Boardmember Jones and seconded by Boardmember Curran to approve with the following conditions:

1. Compliance with the site plan, sign plan details and project narrative submitted, except as modified by the conditions listed below.
2. Compliance with all requirements of the Development Services Department in the issuance of sign permits.

**Vote:** Vote: 5-0 Approved (Absent: Boardmembers Swanson, Tolman)

**The Board's decision is based upon the following Findings of Fact:**

**FINDINGS:**

- A. The CSP does not increase the amount of detached signage on site.
- B. The existing detached signage on site is below Code allowances for sign area and height.
- C. The CSP proposes to exceed Code for the number of attached signs on the property but proposes an aggregate sign area below the allowed Code maximums.
- D. The sign criteria within the CSP is tailored to this specific development and enhances the characteristics of the land use.
- E. The CSP, with the recommended conditions, will be compatible with, and not detrimental to, adjacent properties or the district in general.

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**\*3-c**                    **Case No.: BOA18-00318 APPROVED WITH CONDITIONS**

**Location:**            2647 West Baseline Road (District 3)

**Subject:**            *Requesting 1) a Special Use Permit (SUP) to allow a small animal day care; and 2) a Special Use Permit (SUP) to allow a kennel; and 3) a Special Use Permit (SUP) to allow for the reduction in required parking; and 4) a Substantial Conformance Improvement Permit (SCIP) to allow modifications to development standards in the LC-PAD District.*

**Decision:**            Approved with Conditions

**Summary:**            This item was on the consent agenda and not discussed on an individual basis.

**Motion:**            A motion to approve case BOA18-00318 as read by Vice Chair Rembold with the acceptance of Findings of Fact and Conditions of Approval was made by Boardmember Jones and seconded by Boardmember Curran to approve with the following conditions:

1. Compliance with all requirements of the Development Services Department in the issuance of building permits.
2. The outdoor play area may only be used between the hours of 6:30 a.m. and 7:00 p.m. and that a staff member will be present with the animals at all times whether inside or outside.
3. No animal activity is allowed outside the new 8' tall CMU wall surrounding the outdoor play area.
4. Provide evidence of sound attenuation of the indoor kennel area at the time of submitting for building permits.
5. Provide two, 24" box trees in the new 15' wide landscape area adjacent to the south property line.

**Vote:**                    Vote: 5-0 Approved (Absent: Boardmembers Swanson, Tolman)

**The Board's decision is based upon the following Findings of Fact:**

**FINDINGS FOR REQUESTS #1 & #2 – SUP for SMALL ANIMAL DAY CARE AND KENNEL:**

- A. The proposed small animal day care and kennel uses are conducted inside an existing building.
- B. The on-leash training area is not allowed in the required 20' building setback and landscape area adjacent to the south property line.
- C. Staff recommends a condition of approval to provide evidence of sound attenuation of the indoor kennel area at the time of submitting for building permits.
- D. An 8' tall CMU wall surrounds the outdoor play area.
- E. Staff recommends a condition of approval to limit outdoor activity to within the CMU-walled area.
- F. The applicant's justification/compatibility statement indicates that the outdoor play area will be used only between the hours of 6:30 a.m. and 7:00 p.m. and that a staff member will be present with the dogs at all times whether inside or outside.
- G. Also, the applicant's justification/compatibility statement indicates staff is trained in canine behavior management and that disruptive or unruly dog campers will be either sent to "time-out" or the pet owners will be contacted for pet pickup.

**FINDINGS FOR REQUEST #3 – SUP for REDUCED PARKING:**

- A. A Parking Demand Study prepared by Y2K Engineering, and sealed by Christopher B. Williams, P.E., dated 5/9/18, concluded that only 13 parking spaces are needed to support the proposed use.
- B. Based on the conclusion of the parking study, 13 required parking spaces are provided on site.
- C. Special conditions are cited in the Parking Demand Study based on the fact that 65% of building is used as kennel area and does not generate a demand for parking spaces.
- D. By MZO standards, the parking demand for the building's 2,580 SF retail/office area at a ratio of 1 parking space/375 SF of GFA is seven parking spaces.
- E. The Parking Demand Study states that no more than five customers drop-off dogs during any given 15-minute period and that there will be three to eight employees onsite during any given day, thus establishing the need for only 13 parking spaces on site.
- F. One additional new parking space is proposed adjacent to the south property line, providing a total of 14 on-site parking spaces.

**FINDINGS FOR REQUEST #4 – SCIP**

- A. The request for a SCIP would allow for the redevelopment of a vacant commercial building/site to a small animal day care and indoor kennel use with outdoor play area.
- B. The addition of the outdoor play area invokes conformance to current development standards.
- C. The proposed improvements will result in a development that is compatible with, and not detrimental to, adjacent properties or neighborhoods.
- D. Full compliance with current code would require removal or relocation of existing improvements.
- E. The deviations requested along with the conditions of approval are consistent with the degree of change requested to improve the site and will help bring the site into a closer degree of conformance with current standards.
- F. The proposed new improvements with the recommended conditions of approval help bring the site into a closer degree of conformance with current standards.

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**\*3-d** Case No.: BOA1B-00326 CONTINUED TO JULY 11, 2018

**Location:** 4142 East Valley Auto Drive (District 2)

**Subject:** *Requesting a Variance to allow a reduction in the required landscape setback along the north property line in the LI District.*

**Decision:** Continuance to July 11, 2018

**Summary:** The item was on the consent agenda and not discussed on an individual basis.

**Motion:** A motion to continue case BOA1B-00326 as read by Vice Chair Rembold with the acceptance of Findings of Fact and Conditions of Approval was made by Boardmember Jones and seconded by Boardmember Curran to approve with the following conditions:

**Vote:** Vote: 5-0 Approved (Absent: Boardmembers Swanson, Tolman)

**\*3-e Case No.: BOA18-00328 APPROVED WITH CONDITIONS**

**Location:** The 5200 to 5300 blocks of South Ellsworth Road (east side). Located on the east side of Ellsworth Road and the north side of the future State Route 24 freeway alignment to the Williams Field Road alignment and both sides of the Williams Field Road alignment to approximately one-quarter mile east of the Crismon Road alignment. (District 6)

**Subject:** *Requesting a Special Use Permit (SUP) to establish a Comprehensive Sign Plan (CSP) for the Cadence Planned Community (formerly known as Pacific Proving Grounds North) in the PC District.*

**Decision:** Approved with Conditions

**Summary:** This item was on the consent agenda and not discussed on an individual basis.

**Motion:** A motion to approve case BOA18-0032B as read by Vice Chair Rembold with the acceptance of Findings of Fact and Conditions of Approval was made by Boardmember Jones and seconded by Boardmember Curran to approve with the following conditions:

1. Compliance with the Cadence Master Comprehensive Sign Plan (MCSP) dated May 16, 2018, as submitted, except as may be modified by the conditions listed below;
2. Placement of any sign within a Public Utility and Facility Easement (PUFE) or a Public Utility Easement (PUE) requires review and approval of an encroachment permit by the City Engineer before the sign is erected or placed;
3. A Minor Community Entry Monument may only be placed on two (2) of the four (4) corners at the intersection indicated on the Signage Master Plan map (page 1 of the Cadence MCSP).

**Vote:** Vote: 5-0 Approved (Absent: Boardmembers Swanson, Tolman)

**The Board's decision is based upon the following Findings of Fact:**

**FINDINGS:**

- A. The Cadence at Gateway Planned Community is a large master planned development consisting of approximately ±4B4 acres.
- B. The Cadence MCSP conforms with the purpose and intent of Chapter 15 of the Cadence CP.
- C. The Cadence MCSP authorizes sign area for some sign types that exceed the maximum allowed under the standard Sign Ordinance. The Cadence CP may do so based on Section 11-11-2.C of the Zoning Ordinance.
- D. Because of the scale of this development, the Cadence MCSP proposes a significant amount of signage. However, two of the proposed sign types will consolidate information conveying directions to several places on a single sign resulting in a significant reduction of sign clutter.
- E. The overall design and materials specified by the Cadence MCSP are of a high quality and are compatible with the architectural features of the project.
- F. With the recommended conditions of approval, signs authorized by the Cadence MCSP meet the purpose and intent of Chapter 15 of the Cadence CP and the goals of the Mesa Zoning Ordinance.



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**\*3-f**                    **Case No.: BOA18-00329 APPROVED WITH CONDITIONS**

**Location:**            6735 East McDowell Road (District 5)

**Subject:**            *Requesting a Special Use Permit (SUP) to allow an electronic message display to change more often than once per hour in the LC District.*

**Decision:**            Approved with Conditions

**Summary:**            This item was on the consent agenda and not discussed on an individual basis.

**Motion:**            A motion to approve case BOA18-00329 as read by Vice Chair Rembold with the acceptance of Findings of Fact and Conditions of Approval was made by Boardmember Jones and seconded by Boardmember Curran to approve with the following conditions:

1. Compliance with the site plan, sign details and project narrative submitted, except as modified by the conditions listed below.
2. Compliance with all requirements of the Development Services Division in the issuance of sign permits.
3. Each message on the electronic display message sign shall remain static for a minimum of eight (8) seconds with no movement or motion. Message change is permitted through fade, dissolve, travel, or scrolling modes not to exceed two (2) seconds in transition.
4. The electronic message panel shall include lighting control technology, such as the use of photocells, to control and vary the intensity of lighting depending on the amount of ambient light present (e.g. daytime, nighttime, partial shade or cloudy conditions).
5. The intensity of the lighting shall not exceed three-hundred (300) nits from dusk until down.

**Vote:**                    Vote: 5-0 Approved (Absent: Boardmembers Swanson, Tolman)

**The Board's decision is based upon the following Findings of Fact:**

**FINDINGS:**

- A. The existing electronic message display is approximately 32' from the east property line and is mounted at an approximate height of 22-ft above grade on the east elevation of the car wash building, and is only visible from the east
- B. The speed limit of McDowell Road is 45 mph in this location.
- C. Electronic message displays are to remain static for a minimum of one hour unless a Special Use Permit (SUP) is granted.
- D. The minimum 8-second message display change rate reflects Arizona Department of Transportation standards.
- E. With a 45-mph speed limit, a vehicle traveling at that speed would travel 528-ft in 8 seconds. Over a quarter mile, there would be no more than three message changes over a 1320-ft (or one quarter-mile) distance.
- F. The electronic message display and the other attached sign on the car wash building do not present a distracting influence. In addition, signs on neighboring sites are adequately separated from the subject sign, and do not create a distracting influence.
- H. The requested 8-second electronic message display change is in keeping with traffic safety concerns and is not detrimental to the neighborhood or to the general welfare of the City.

**Items not on the Consent Agenda**

**4 Take action on the following case:**

None.

**5. Other business**

None.

**6 Items from citizens present**

None.

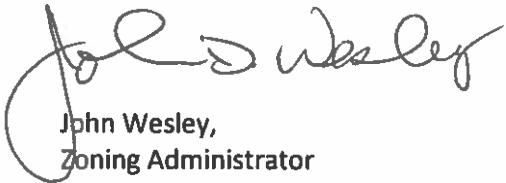
**7. Adjournment**

A motion to adjourn was made by Vice Chair Rembold and seconded by Boardmember Gunderson.

Vote: 5-0 Approved (Absent: Boardmembers Swanson, Tolman)

**Public Hearing adjourned at 5:36 p.m.**

Respectfully submitted,



John Wesley,  
Zoning Administrator